

REMARKS

Claims 1-5 are pending in the application. Claims 1-5 have been amended herein to correct informalities. Therefore, after entry of the present amendment, claims 1-5 will be subject to examination.

In the Printed Publication

The attention of the Office is directed to printed publication no. US 2006/0096037, in which published paragraph [0023] was incorrectly reproduced from international publication no. WO 2004/070104 and should read as follows (emphasis added):

[0023] the fabric is impregnated with compound A at a temperature ranging from 0°C. to 100°C.;

In the Claims

Claims 1-5 have been rejected under 35 USC 103(a) over Cain, US 3,498,740 in view of Koerner et al., US 4,248,590. This rejection is respectfully traversed at least for the following reasons.

Cain discloses a process for imparting permanent stability and finish stability to fabrics containing keratinous fibers. In particular, Cain teaches that such fabrics are subjected to "internal stabilization" through treatment with a reducing agent followed by leveling and decatizing, and then to "external stabilization" through treatment with a polymeric chemical reagent, which reacts with the keratinous component of the fabric, or at least with a non-reactive coating composition coupled to the fibers of the fabric through mechanical forces. Cain, 2: 3-18; 3: 38-4: 6. The Office Action has compared the trichloroethylene used in Cain with the vinyl chloride resin disclosed by Applicant.

It is submitted that trichloroethylene is a solvent and cannot be chemically compared to a resin. See, for example, DEPARTMENT FOR HEALTH AND HUMAN SERVICES, AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY, ToxFaqS™ for Trichloroethylene (TCE) (2003), available online at <http://www.atsdr.cdc.gov/tfacts19.html>.

Further, the process and composition claimed by Applicant does not require a chemical reaction with the fibers of the woolen or wool blend fabric, nor application through mechanical forces. See, for example, Applicant's Example, 3rd Step, in which the blend of products from groups B, C, and D is applied through a sponging process.

Still further, Cain does not teach or suggest, among other things, the use of silicon emulsions, macro emulsions, or cationic fabric conditioners, as the Office Action has acknowledged.

The deficiencies of Cain are not filled by Koerner, which discloses a composition for shrinkproofing wool, which contains 1-50% wt of organopolysiloxanes having 90-99.8 mole % of $R_n^1SiO_{(4-n)/2}$, 0.2-10 mole % of $R^2SiO_{3/2}$, and 50-99% of water. See Koerner, 3: 23-59. Koerner explains at 2: 19-43 that organopolysiloxane compositions cannot be used as emulsions (other than the composition disclosed by Koerner) because moisture would cause such compositions to precipitate and clog up the wool-treating equipment. Contrary to that, the process and composition claimed by Applicant are not limited to the unique emulsion of Koerner, therefore, such process and compositions allow for use of a much larger selection of compositions, providing new and unexpected results over the proposed combination of Cain and Koerner.

Moreover, it is submitted that a person skilled in the art, reading Cain, would have found no reason to combine the teachings of Cain with those of Koerner. Cain explains at 2: 19-21 that "there is a unique interaction between the two stabilization treatments [of Cain] which results in a product having an unexpected degree of stability" and further explains at 4: 32-42 that a disclosed process permits "washing with little or no degradation of hand, or feel, of the fabric." Accordingly, a person skilled in the art would have not been motivated to change the balance of the chemistries detailed in Cain by introducing other chemistries in the process, especially when the improvements in "hand" disclosed by Koerner are already provided by the Cain process.

In view of the foregoing, the withdrawal of the rejection under 35 USC 103(a) is respectfully requested.

Conclusion

It is believed that all objections and rejections in the application have been addressed, and that the present application is in condition for allowance. A notice to that effect is respectfully requested.

Dated: October 23, 2008

Respectfully submitted,

/Franco A. Serafini/
Franco A Serafini, Registration No. 52,207
Attorney for Applicant

THEMIS INTELLECTUAL PROPERTY COUNSEL
7660 Fay Ave Ste H535
La Jolla, CA 92037
Tel. (858) 456-2898